

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN M. CUNNINGHAM, SR.,

Plaintiff,

v.

JOHN DOE, et al.,

Defendants.

No. 3:12-CV-934

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW this 6th day of September, 2012, upon review of the Report and Recommendation of Magistrate Judge Thomas M. Blewitt (Doc. 17) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. 2) is construed as a motion to proceed without full prepayment of fees and costs, and is **GRANTED**.
- (2) The Report and Recommendation (Doc. 17) is **ADOPTED**.
- (3) Plaintiff's claims for monetary damages against Defendants in their official capacities be **DISMISSED WITH PREJUDICE**.
- (4) Plaintiff's request for an injunction be **DISMISSED WITH PREJUDICE**.
- (5) Plaintiff's request for declaratory relief be **DISMISSED WITH PREJUDICE**.
- (6) Defendant DCP Medical Department be **DISMISSED WITH PREJUDICE**.
- (7) Count I of Plaintiff's Amended Complaint (Doc. 12) be **DISMISSED WITHOUT PREJUDICE**.

(8) Counts II and III of Plaintiff's Amended Complaint (Doc. 12) be **DISMISSED WITH PREJUDICE.**

(9) The Clerk of Court is directed to mark the case as **CLOSED.**



A. Richard Caputo
United States District Judge